

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:)	
)	
Creation of a Low Power Radio Service)	MM Docket No. 99-25
)	
)	

To: The Commission

REPLY COMMENTS OF THE PACIFICA FOUNDATION

The Pacifica Foundation ("Pacifica") hereby submits its Reply Comments in response to the Further Notice of Proposed Rule Making ("FNPRM") captioned above.

The Pacifica Foundation is a pioneering public broadcasting licensee of six full-service noncommercial stations, three of which utilize translators. We are also a program distributor to more than 80 affiliated radio stations, most of which are full-service noncommercial radio stations. Some of these also utilize translators.

The Pacifica Foundation supports locally based Low Powered Radio and community media. More than 20% of the Pacifica Network's affiliates are Low Powered Radio stations.

The Pacifica Foundation also supports localism and diversity. Giving local communities the ability to address local interests and hear voices not available on mainstream media is the most exciting media development in recent years, and the best antidote to increasing consolidation of the broadcast industry.

We thank the FCC for any support you have already given to these principles and to Low Power FM service. We ask the FCC to continue to encourage Congress to relax the 3rd adjacent criteria for LPFM.

Pacifica supports efforts to protect authorized LPFM stations. In order for LPFMs to be viable, they must be treated like other broadcast stations and not be subjected to additional restrictions. Therefore, the Pacifica Foundation supports:

- All of the protections to LPFMs recommended by Prometheus et al and other Citizen Commenters ("Citizen Commenters") against encroachment by full power stations. Full-service

stations should not be allowed to disregard the harm that they may cause to LPFM stations. At the very least, as the Citizen Commenters suggest, new full-service stations and full-service stations proposing a change of community of license should be required to take LPFM stations into account and demonstrate that the public interest will be better served by the proposed full-service station than by the existing LPFM station;

- All of the recommendations made by Citizen Commenters to uphold the localism goals of LPFM service, ensuring ownership by local entities and local service;
- The recommendation made by Citizen Commenters that multiple ownership of LPFM licenses should be significantly limited.
- All of the limitations recommended by Citizen Commenters on the transferability of LPFM licenses. Pacifica opposes proposals that would invite speculation in LPFM licenses
- The recommendation made by Citizen Commenters that LPFMs should be permitted to utilize the contour overlap interference methodology to licensing LPFM stations;
- The recommendation made by Citizen Commenters that FCC rules should permit transfer of control of a LPFM license in the case of a sudden change in the majority of the governing board;
- The Recommendation made by Citizen Commenters that LPFM application windows should open at regular intervals, at least every two years;
- The recommendation made by Citizen Commenters that LPFM construction permit should be 18 months in duration, with an automatic extension of an additional 18 months upon reasonable request.
- The proposal of Citizen Commenters that LPFM permits and licenses should not be assignable in exchange for consideration.

Relative Spectrum Priority of LPFMs and Translators:

While the Pacifica Foundation believes that translators can provide a valuable service particularly in mountainous and rural areas, it recognizes that, in some cases, translators occupy spectrum that could be put to better use by LPFM stations.

The Pacifica Foundation supports the principle of localism and the expressed need for protections against speculators and others who take advantage of filing windows for translators by acquiring large portions of the applications without meeting any local eligibility requirements. Although commenters differ on how to define a "local" translator, there is wide support for the principle that only translators that provide a truly local service should be given equal status to new LPFM stations that will actually originate locally produced programs.

Therefore, Pacifica agrees with Citizen Commenters that only local applicants should be able to apply for translators or LPFMs and, that local LPFM applicants should have priority over "distant translators."

However, Pacifica differs slightly from the Prometheus ET AL recommendations because some Pacifica stations and community radio stations affiliated with the Pacifica Network depend upon translators in order to reach listeners in their own local communities and to enlarge their listening audiences.

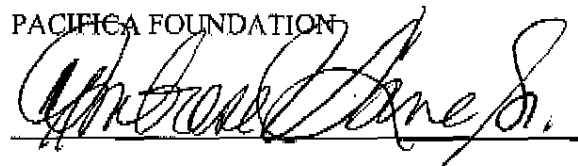
Pacifica specifically proposes defining "distant translators" as those being more than 100 miles (185.2 kilometers) from the full service station the translator rebroadcasts. LPFM stations should be given priority over translators that are "distant translators" as so defined.

Furthermore, Pacifica proposes that LPFMs should be required to protect FM translators grandfathered as "legacy translators," and that the definition of a "legacy translator" be a facility for which an application for an original construction permit was filed prior to March 9, 2003 and /or is less than 100 miles (185.2 kilometers) from its originating full service broadcast station.

Respectfully submitted

PACIFICA FOUNDATION

By

A handwritten signature in black ink, appearing to read "Andrew Lane", is written over a horizontal line.